PUBLIC NOTICE

US Army Corps of Engineers
Omaha District

Application No: **199980412**
Applicant: Mr. Donald M. Culver
Waterway: Michigan River
Issue Date: June 28, 1999
Expiration Date: July 28, 1999

REPLY TO:
Tri-Lakes Project Office
9307 Colorado State Hwy. 121
Littleton, CO 80123-6901
FAX (303) 979-0602

30 DAY NOTICE

JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a Department of the Army permit application from **Owl Creek Ranch, Mr. Donald M. Culver, 7490 Clubhouse Road Suite 201, Boulder, CO, 80301**. Permits are issued under Section 404 of the Clean Water Act which regulates the discharge of dredged or fill material in the nation's waters.

The applicant is requesting authorization to excavate and place fill material into the Michigan River in connection with bank restoration and fish habitat improvement. **The project is located on the Michigan River in Section 17, Township 8 North, Range 78 West in Jackson County, Colorado.** The location and project details are shown on the attached drawings.

History and Purpose

The project will stabilize eroding banks, install tree sweeps and place instream boulders to reduce erosion, restore the bank and improve fish habitat. During a stream survey in the fall of 1998, the applicant observed stream degradation due to high flows, grazing and other related land use practices. The eroding banks are found in bends that have no willows or other shrub vegetation.

For purposes of definition, the basic project purpose is to provide fish habitat and reduce erosion. The overall project purpose is to enhance the existing fishing habitat and reduce erosion by stabilizing and enhancing the local river reach.

Project Description

During a stream survey conducted during the fall of 1998, the applicant observed stream degradation due to high flows, grazing and related land use practices. The eroding banks are generally in bends that have no willows or other woody stemmed vegetation. The applicant proposes to lay the banks back using a track hoe with an hydraulic thumb. Large rock will be used to stabilize the banks, with extensive willow planting throughout. Disturbed areas will be reseeded with native vegetation. Some disturbed areas will be protected with an erosion control matting to allow strong revegetation. Tree sweeps imbedded into the banks, and large instream rocks will be used to improve trout habitat.

A summary of the activities follows:

- 9 bank stabilization areas totaling 635 feet with the longest being 100 feet. Average amount of fill using large rock will be less than ½ cubic yard per foot. Total amount of rock required is 294.5 cubic yards. (Design Plan 1,4,8,11,18,20,22,23,30)

- 14 tree sweeps using 2 to 3 coniferous trees and up to 3 cubic yards of large rock each to anchor structure to bank. Total amount of rock required is 42 cubic yards. (Design Plan 2,3,5,6,7,9,10,13,14,15,16,19,21,24)

- 20 cubic yards of river cobble will be redistributed when the first low water crossing is removed and the adjacent banks restored. 10 cubic yards of large rock will be required for bank stabilization. (Design Plan 12)

- 24 cubic yards of large rock will be used for random instream boulder placement. (Design Plan 25)

- 12 cubic yards of large rock will be used in a bank deflector upstream from the owner's residence. (Design Plan 26)

- 15 cubic yards of river cobble will be redistributed when the last low water crossing is removed and the banks restored. (DESIGN Plan 32)

- 50 Cubic yards of large rock will be used in a low drop structure/emergency low water crossing. (Design Plan 32)

- 20 cubic yards of river cobble will be removed from directly below the drop structure and 20 cubic yards of washed rock will be placed in conjunction with the installation of a dry hydrant. (Design Plan 32)

- 200 willow root balls or bundles will be transplanted throughout the project reach. The willows will be reharvested from the thousands found on the ranch. Efforts will be made to spread this activity over a large area of the valley bottom to keep the impact low. A rubber tired backhoe will be used to retrieve the willow root balls. Less than 50% of an existing willow will be removed for transplantation. Willow bundles will be made of cuttings that are also spread out to reduced negative impacts to the existing vegetation.

- Erosion control matting will be used as required. All disturbed areas will be reseeded with

native grasses.

- A fence will be installed to restrict the entire reach from horse and cattle grazing.

Wetland Impacts

The project is expected to impact approximately 0.01 acres of wetlands along the reach and will be mitigated in place at a minimum areal ratio of 1:1.

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The Colorado Department of Public Health and Environment, WQCD-GWPS-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Colorado Department of Public Health and Environment hereby incorporates this public notice as its own public notice and procedures by reference thereto.

The Colorado Department of Public Health and Environment also reviews each project with respect to the anti-degradation provisions in state regulations. For further information regarding anti-degradation provision, please contact John Farrow at the Colorado Water Quality Control Division, (303) 692-3575.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The Omaha District will comply with the National Historic Preservation Act of 1966, as amended, and 36 CFR 800. We will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

The Corps of Engineers is soliciting written comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. Any agency or individual having an objection to the work should identify it as an objection with clear and specific reasons. All replies to the public notice should be sent to the **U. S. Army Corps of Engineers, Tri-Lakes Project Office, 9307 Colorado State Highway 121, Littleton, Colorado 80123-6901.** For additional information please contact **Mr. Scott Franklin** at **(303) 979-4120.**

The District Engineer will consider requests for holding a public hearing, for the purpose of gathering additional information. Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held. Requests for a public hearing should state specifically the reasons for holding a public hearing, and what additional information would be obtained. Should the District Engineer decide that additional information is required and a public hearing should be held, interested parties will be notified of the date, time and location.

Comments received after the close of business on the expiration date of this public notice will not be considered.